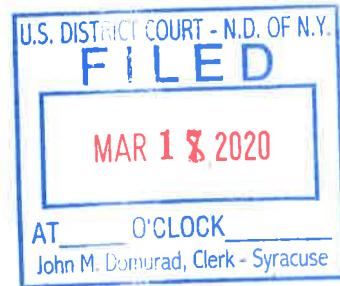


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK



ROBERT CRAIG CASSIDY, d/b/a )  
MOUNTAIN TIME AUCTIONS, ANTIQUES, )  
and MATTRESSES )  
PLAINTIFF )  
Vs. )  
ERIC MADOFF, EXECUTIVE DIRECTOR, )  
NEW YORK STATE INSURANCE FUND; )  
NEW YORK STATE INSURANCE FUND )  
TITIAN DION PERSONALLY AND AS AN )  
EMPLOYEE OF NEW YORK STATE )  
INSURANCE FUND; )  
CLARISSA M. RODRIGUEZ, PERSONALLY, )  
and as CHAIR, NEW YORK WORKERS' )  
COMPENSATION BOARD; NEW YORK )  
WORKERS' COMPENSATION BOARD; )  
FREIDA FOSTER, ELLEN O. PAPROCKI, )  
MARK HIGGINS, LOREN LOBBAN, )  
SAMUEL G. WILLIAMS, LINDA HULL, )  
FREDRICK M. AUSILL, STEVEN A. CRAIN, )  
MARK R. STASKO, PERSONALLY and as )  
COMMISSIONERS OF THE NEW YORK )  
WORKERS' COMPENSATION BOARD; )  
J.J. DOE1, J.J. DOE2, J.J. DOE3, )  
PERSONALLY AND AS MEMBERS OF )  
PENALTY REVIEW UNIT (NEG) NEW YORK )  
WORKERS' COMPENSATION BOARD; )  
DEFENDANTS )

CIVIL CASE NO.:  
8:18-cv-  
00394 (BKS/DJS)

MOTION TO  
STRIKE  
FRCP 12(e)

PURSUANT TO  
42 U.S.C. 1983  
and  
8<sup>th</sup> & 14<sup>th</sup>  
AMENDMENTS  
TO THE  
CONSTITUTION  
OF THE  
UNITED STATES

1. Much to the surprise of Plaintiff, the Attorney General of the State of New York filed a document titled “Answer to Amended Complaint” on March 2, 2020 which document was received by Plaintiff on March 4, 2020. FRCP 12 (a) (C) requires Plaintiff to reply to an “Answer” within 21 days.
2. Plaintiff filed the Amended Complaint on December 4, 2018 which would have had a return date during the Christmas holiday period of December 2018.
3. Plaintiff, having a childish belief in, and respect for, authority consented to delays in filing of Defendant’s answer for more than six months. The Court finally set June 28, 2019 for the State Defendants’ reply, which date the State filed upon.
4. To refresh the Court’s memory, the Attorney General filed the false sworn “Affirmation of Senior Attorney” Joseph Slater with the State’s June 28, 2019 papers. Slater swore under oath that Plaintiff had been served with a judgment on March 28, 2018 which judgment placed Plaintiff in jeopardy of the Rooker-Feldman defense.
5. Plaintiff on July 23 2019 filed a “Motion for a More Definitive Statement” calling the Court’s attention to Slater’s false witness testimony regarding the existence of a judgment filed with the Essex County Clerk

against this Plaintiff. Three trips to Elizabethtown, New York, confirmed that no judgment existed against Plaintiff.

6. The Court granted Plaintiff no relief, denied his motion, and admitted the Attorney General's other answers to Plaintiff's Amended Complaint of December 4, 2018.

7. To the Pro-Se Plaintiff, the March 2, 2020 "Answer" appears to be a second bite of the apple to which Plaintiff strongly objects.

8. Plaintiff has filed one, and only one, Amended Complaint and the time to reply has tolled.

9. The Court in its January 23, 2020 opinion stated as footnote 20 page 35:

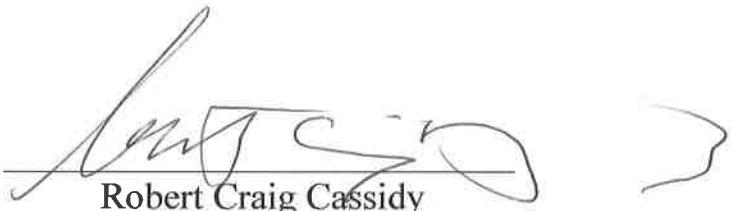
As the Court previously granted leave to amend, and there do not appear to be facts Plaintiff could allege to cure the above-dismissed Claims, the Court declines to allow further amendment at this stage of the proceedings.

10. Even if the Court's opinion could be counted as a portion of the Amended Complaint, twenty-one days from January 23, 2020 expired February 13, 2020.

11. Plaintiff requests the Court to find the March 2, 2020 "ANSWER" of the Attorney General to be untimely filed and stricken from this action.

**NOW COMES PLAINTIFF** Robert Craig Cassidy who resides at 43 Pleasant Street, City of Rutland, County of Rutland, State of Vermont who swears and affirms under the penalties of perjury that the information presented as fact in this submission is to the best of his knowledge and belief true, complete, and accurate.

Date: 16 March 2020



Robert Craig Cassidy

SWORN TO BEFORE ME AND IN MY

PRESENCE THIS 16 DAY OF March 2020  
Robert Craig Cassidy #0001248  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 1-31-2021